Court No.1

Civil Writ Petition No. 4346 (S/S) of 2001.

Ramesh Chandra Gangwar …….. Petitioner.

Versus

Additional Secretary, Forest
and Rural Development,
Dehradun and two others. ……. Respondents.

Hon'ble P.C. Verma, J.

This petition has been filed by the petitioner seeking writ of certiorari to quash the impugned order dated 28.8.2001 passed by respondent No.1 and the consequential order dated 31.8.2001 passed by the respondent No.2.

The petitioner is an employee of the Apex Co-operative Society know as U.P. Co-operative Sugar Factory Federation. He was appointed under the regulations framed by the Apex Co-operative Society which has become know Multi-State Co-operative as it is having an area of operation in voth the States by virtue of Sec.95 of the Multi-State Societies Act, 1984. Thus, initially, relieving of the petitioner for Uttaranchal was illegal. He could have been posted in any Co-operative Sugar Factory by the Managing Director. Now the petitioner is again being sent back to join at Lucknow under the orders of the Cane and Sugar Commissioner dated 31.8.2001, who happens to be Registrar of Co-operative Sugar Factories of Uttaranchal. He has no jurisdiction to pass any order in respect of an employee of the Co-operative Sugar Factory Federation. The order of transfer and posting can only be passed by the Managing Director and an employee can be posted in a Sugar Factory either

situated in Uttar Pradesh or in Uttaranchal. There cannot be any allocation of cadre under the regulation framed by the Co-operative Sugar Factory Federation like the Government Service.

Thus, both the orders dated 20.8.2001 and 31.8.2001 suffer from error of law and both are set aside. However, it is open for the Managing Director, Co-operative Sugar Factories Federation to pass appropriate order in respect of joining of petitioner.

The writ petition is disposed of accordingly.

P.C. Verma, J

11.9.2001
P. Singh